

ORDINANCE NO. 2003-39-CM
TIPPECANOE COUNTY SECTION CORNER ORDINANCE

WHEREAS, a Section Corner Ordinance is desirable to preserve the location of and prevent damage to section corners and high accuracy reference network (HARN) point markers within the county; and

WHEREAS, I.C. 36-2-12-13 permits a County to adopt an ordinance prohibiting movement of or damage to section corner markers and HARN points and prescribing monetary penalties for violations thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY, THAT:

- (A) Except as provided by this Ordinance it is made unlawful for any person to move, change, damage or otherwise alter a monument marking a section corner without complying with the provisions of IC 36-2-12-13.
- (B) It is made unlawful for any person to damage or remove a monument marking a section corner or HARN point. Any person who damages or removes a monument marking a corner or high accuracy reference network (harn) point shall reimburse the county for the cost of repairing or replacing the monument.
- (C) A person may, for excavation, mineral extraction, or other purposes related to the person's business, including the activities described in paragraph (E) of this ordinance, temporarily remove a monument marking a corner. The person must notify in writing the county surveyor at least thirty (30) days before removing the monument. The person must, within a reasonable time, either replace the monument at the person's expense utilizing a registered land surveyor under the supervision of the county surveyor or, if the county surveyor is not registered under IC 25-21.5 or IC 25-31, the registered person who is appointed by the Board of Commissioners under Indiana Code 36-2-12-11, or have the county surveyor replace the monument. The person shall reimburse the county for the cost of such supervision or replacement by the county surveyor. The surveyor shall file a copy of the notice in the corner record book.
- (D) Only the county surveyor or his or her designee may change the location of any monument. A person who wishes to have the location of a monument changed must make a request to the surveyor in writing and furnish written approval of all landowners whose property is affected by the proposed change. The surveyor may approve, reject, or modify the request and shall file a copy of the notice and the landowners' consents in the corner record book.
- (E) When, in the construction or maintenance of a state, county or municipal road or street, it is necessary to remove or bury a monument marking a corner, the owner of the public right-of-way shall notify the county surveyor in writing at least

fifteen (15) days before commencing the work.

- (F) Any person who violates this Ordinance shall be deemed guilty of an infraction and may be fined up to \$2000.00 for each monument damaged or removed and all costs, including court costs, for each violation, and shall reimburse the county for all costs of repairing or replacing each such monument.
- (G) The Tippecanoe Sheriff or his designee, any deputy of the county sheriff's department or the Tippecanoe County Surveyor may issue a citation under the terms and conditions of this section.
- (H) All fines imposed for violations of this ordinance shall be deposited in the Tippecanoe County Surveyor's Corner Perpetuation Fund.
- (I) This Ordinance does not repeal any prior ordinance and is in addition to the existing ordinances and is to be interpreted in harmony therewith. If there are any conflicts with prior ordinances, the provisions of this Ordinance shall supersede such conflicting provisions.

Statutory Authority: I.C. 36-2-12-13.

BE IT FURTHER ORDAINED that this Ordinance shall be effective October 1, 2003.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 4th day of Aug, 2003, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

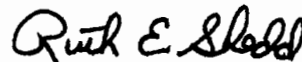
VOTE

Y



KD Benson, President

Y



Ruth Shedd, Vice President

Y



John Knochel, Member

ATTEST:



Robert Plantenga, Auditor of
Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on
second reading this 18th day of Aug, 2003, by the following vote:

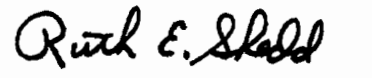
BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

Y


KD Benson, President


Y


Ruth Shedd, Vice President

Y


John Knochel, Member

ATTEST:


Robert Plantenga, Auditor of
Tippecanoe County

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